

**TME-83-8**

Date of Receipt: January, 25, 1993.

Notice of Receipt: February 18, 1993  
(58 FR 8947).

Applicant: Confidential.

Chemical: (G) Modified polyamide.

Use: (G) Polymeric material; open,  
non-dispersive use.

Production Volume: Confidential.

Number of Customers: Confidential.

Test Marketing Period: Confidential.

Risk Assessment: EPA identified no significant health or environmental concerns for the test market substance. Therefore, the test market activities will not present any unreasonable risk of injury to human health or the environment.

The Agency reserves the right to rescind approval or modify the conditions and restrictions of an exemption should any new information that comes to its attention cast significant doubt on its finding that the test marketing activities will not present any unreasonable risk of injury to human health or the environment.

Dated: March 18, 1993.

Charles M. Auer,  
Director, Chemical Control Division, Office  
of Pollution Prevention and Toxics.

[FR Doc. 93-7300 Filed 3-29-93; 8:45 am]  
BILLING CODE 6560-50-F

[OPPTS-42052M; FRL-4186-3]

### Testing Consent Agreement Development for Tier I Chemical Substances; Solicitation for Interested Parties

AGENCY: Environmental Protection  
Agency (EPA).  
ACTION: Notice.

**SUMMARY:** EPA is initiating a testing consent agreement development program under section 4 of the Toxic Substances Control Act (TSCA). To allow the Agency to make greater use of enforceable consent agreements (ECAs), EPA conducted an "open season" initiative and solicited testing consent agreement proposals for chemical substances or groups of chemicals identified by the public, industry, the Interagency Testing Committee (ITC), and EPA as being of mutual concern. Having reviewed the proposals received, EPA is now initiating the formal ECA process for some of the chemical substances/groups. This notice serves three purposes. First, it identifies and gives a tiered priority ranking to those chemical substances or categories of chemical substances for which EPA has chosen to pursue ECA negotiations. Second, it requests interested parties

who want to monitor or participate in negotiations to develop ECAs for the first tier substances to identify themselves to EPA. Third, it outlines proposed target schedules for the first tier of chemical substances.

**DATES:** To be designated an "interested party" for the Tier I substances, written notice must be received by EPA on or before April 29, 1993. EPA will contact all interested parties who have expressed a desire to participate in or monitor negotiations in accordance with 40 CFR 790.22(b)(3) to advise them of meeting dates. Tentative meetings dates for the Tier I substances are set forth in Unit IV below.

**ADDRESSES:** Submit written request to be an "interested party" in triplicate, identified by the document control number (OPPTS-42052M) to: TSCA Public Docket Office (TS-793), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. ET-G102, 401 M St., SW., Washington, DC 20460.

**FOR FURTHER INFORMATION CONTACT:**  
Susan B. Hazen, Director,  
Environmental Assistance Division (TS-799), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E-543B, 401 M St., SW., Washington, DC 20460, (202) 554-1404, TDD (202) 554-0551.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

On July 17, 1992, (57 FR 31714, document control number OPPTS-42052K), EPA established an "open season" or period of time for industry and others to submit testing consent agreement proposals on any substances for which the Agency has not issued final test rules. The Agency offered this "open season" because EPA has been approached by chemical companies interested in negotiating consent agreements for substances that are, or expected to be, the subject of proposed test rules.

EPA's procedures for requiring the testing of chemical substances and mixtures under section 4 of TSCA include the adoption of ECAs and the promulgation of test rules. See 40 CFR part 790. ECAs may be adopted where timely consensus on a testing program can be reached by EPA, affected manufacturers or processors, and other interested parties. If timely consensus cannot be reached or seems unlikely, and the Agency makes certain statutory findings under TSCA, then EPA will issue a test rule under TSCA section 4.

This notice describes the ranking of the "open season" proposals received and the criteria used in establishing the

ranking tiers. Additionally, it requests all "interested parties" who wish to monitor or participate in testing negotiations for the Tier I substances, listed below, to identify themselves in writing to EPA. As per the July 17, 1992 notice, persons who submitted testing program proposals are already considered "interested parties" of record.

##### II. Ranking of Testing Proposals

The Agency has received 22 testing program proposals for 12 chemical substances and 4 chemical categories. EPA has evaluated all the proposals and, because of the number received, has established three tiers of priorities for handling them. The factors considered in establishing these tiers included: (1) Comparison of the testing program proposal with EPA's views concerning testing needs; (2) the likelihood of success in negotiating an ECA; and (3) the Agency's programmatic priorities for action on given chemical substances or categories. Further, while all the proposals have been evaluated and all but one has been ranked, EPA will consider additions or modifications to the proposals in the second and third tier of substances before soliciting interested parties. EPA is interested in further consideration of proposals regarding members of the glycidol and its derivatives category beyond those already identified in Tier II below. The three tiers and the chemical substances under each tier are shown in the following table:

Chemical substance	CAS No.
<b>1. Tier I. Most factors considered favorable to proceed to negotiations for ECAs.</b>	
N-Methylpyrrolidone (NMP)	872-50-4
Diglycidyl Ether of Bisphenol A	1675-64-3
Aryl Phosphates	115-86-6 1330-78-5 25155-23-1 28108-99-8 68952-35-2 68952-33-0 38938-05-0 34364-42-6 56803-37-3 59800-46-3 1241-94-7 28967-78-0 110-82-7
Cyclohexane	110-82-7
<b>2. Tier II. Some factors considered favorable to proceed towards negotiating ECAs.</b>	
Phenol	108-95-2
Glycidyl Methacrylate	106-91-2

Chemical substance	CAS No.
Silicon-based Glycidyl Ethers.	2530-83-8, 2897-80-1 17963-04-1 7422-82-8 71808-64-5 128-80-7 69155-42-6
3. Tier III. Most factors not considered favorable to proceed toward negotiating ECAs.	
Carbon Disulfide	75-15-0

Two additional proposals, on the proposed Brominated Flame Retardants and the Multi-Chemical Neurotoxicity Endpoint Rules, were submitted after the formal "open season" closing date. Both proposals have been evaluated. The Brominated Flame Retardants proposal has not yet been ranked. The proposal submitted regarding the Neurotoxicity Endpoint Rule was concluded to have a low likelihood of success in negotiating an ECA. This conclusion was based on the remote likelihood of achieving a consensus on the many issues raised in the proposal, particularly in developing an agreement on an alternative methodology for memory and learning, and the judgment that any such negotiation would involve significant amounts of time and resources. Further, the voluntary testing proposal restricted the scope of the chemical substances to be tested to only a subset of the substances in EPA's proposed rule. This decision also applies to the separate proposal received on Tetrahydrofuran (CAS No. 109-99-9), which is part of the proposed Multi-Chemical Neurotoxicity Endpoint Rule. EPA has therefore decided to proceed with rulemaking for the chemical substances in the Multi-Chemical Neurotoxicity Endpoint Rule.

### III. Other Substances Subject to Voluntary Testing

The following chemical substances were the subject of offers to conduct voluntary testing through participation in the Organization for Economic Cooperation and Development (OECD)/Screening Information Data Set (SIDS) testing program: 1-Butanol (CAS No. 71-36-3) Isobutanol (CAS No. 78-83-1) Di(2-ethylhexyl) Adipate (CAS No. 103-23-1) Dimethyl Terephthalate (CAS No. 120-61-6).

The OECD/SIDS program is a voluntary international testing effort designed to obtain a basic level of test data on chemical substances produced in the largest quantities worldwide. For more information on the OECD/SIDS program, refer to "For Further Information Contact" in this notice.

EPA has tentatively decided to proceed with the OECD/SIDS voluntary testing program for the substances listed above and has so informed the offerors. These substances were all designated for priority testing consideration by the Interagency Testing Committee (ITC) in its 28th Report. EPA is working with the ITC to have it reconsider its' designations in light of the OECD/SIDS testing offers. If the ITC does not alter its' designations, the Agency will proceed with negotiation of ECAs.

### IV. Identification of Interested Parties for Tier I Substances

EPA is soliciting interested parties to monitor or participate in testing negotiations for the substances listed in Tier I. These negotiations will be conducted pursuant to the procedures described in 40 CFR 790.22. Submitters of testing proposals in response to the Federal Register notice of July 17, 1992 are already considered interested parties and do not have to respond to this notice. Additionally, any persons who respond to this notice on or before April 29, 1993 will be given the status of "interested parties" and will be afforded opportunities to monitor or participate in the negotiation process. These "interested parties" will not incur any obligations by being so designated.

Negotiations will be conducted in meetings open to the public. The negotiation time schedule for each chemical will be established at the first negotiation meeting. If a consent agreement is not established in principle within the agreed upon time-frame and EPA does not choose to extend the negotiation time period, negotiations will be terminated and testing will be required under a test rule.

### V. Public Meetings and General Schedules for N-Methylpyrrolidone, Diglycidyl Ether of Bisphenol A, Aryl Phosphates, and Cyclohexane

Public meetings will be held to initiate negotiations for the above chemical substances at EPA headquarters, 401 M St., SW., Washington, DC 20460, from either 9 a.m. to 12 noon or 1 p.m. to 4 p.m., in Rm. 101, Northeast Mall. Proposed dates for the meetings are shown in the table below. Persons interested in attending these meetings should notify Stephanie Roan, (202) 260-1105, two weeks before the meeting for their specific chemical substance. The deadline to be designated an interested party for all Tier I chemical substances is 30 days from the publication of this notice. Note that the negotiating meeting schedules are staggered to accommodate the varying

complexities of the chemical substance proposals and to allow sufficient time for all parties to reach consensus. EPA will use its best effort to send a draft consent agreement to each of the interested parties approximately three weeks before the public meeting for their particular chemical substance. Further, to facilitate attendance at these meetings, EPA will contact all interested parties who have expressed a desire to participate in or monitor negotiations and advise them of the exact meeting dates and times. The Agency expects to reach agreement in principle within 8 weeks of these public meetings.

The following is a tentative general meeting schedule to initiate negotiations for the Tier I chemical substances:

Chemical Substance	Meeting Date
N-Methylpyrrolidone .....	April 28, 1993 (p.m. meeting)
Diglycidyl Ether of Bisphenol A .....	May 5, 1993 (p.m. meeting)
Aryl Phosphates .....	June 2, 1993 (p.m. meeting)
Cyclohexane .....	June 30, 1993 (a.m. meeting)

### VI. Future Meetings

Future Federal Register notices will announce the solicitation of interested parties for the substances in Tiers II and III as well as outline the ranking of the proposal on the Brominated Flame Retardants. EPA's decision to solicit interested parties to monitor or participate in negotiations for Tier II and Tier III proposals will depend on the pace of development of ECAs for Tier I substances, as well as EPA's determination, based on further review of the Tier II/III proposals, including any additions or modifications received prior to April 2, 1993, that all or most factors continue to be considered favorable to proceed to negotiations.

Dated: March 16, 1993.

Joseph A. Carra,  
Acting Director, Office of Pollution Prevention and Toxics.

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[OPPTS-59321; FRL-4579-4]

### Certain Chemicals; Approval of a Test Marketing Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of an application for test marketing exemption (TME) under section 5(h)(1) of the Toxic Substances